

Application No.: 10/509,786
Amendment Dated: July 7, 2009
Reply to Office Action of: April 8, 2009

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Remarks/Arguments:

Claims 8, 13-27 and 30 are pending and stand rejected.

By this Amendment, claim 8 is amended.

No new matter is added by the claim amendment. Support for the claim amendment can be found throughout the original specification and, for example, in the original specification at pages 18, last full paragraph to the paragraph spanning pages 18 and 19, page 23, first full paragraph and the paragraph spanning pages 23 and 24.

Rejection of Claims 8, 13-25 and 30 under 35 U.S.C. § 103(a)

In the Office Action, at item 4, claims 8, 13-25 and 30 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hammond (U.S. Patent No. 6,854,007) in view of Yasutaka (JP 2002-073487).

Reconsideration is respectfully requested.

Claim 8

Claim 8 is directed to a mail delivery device for use with a system including the Internet for delivering mail, the mail delivery device, connected to the Internet for creating mail arrival notice to notify terminals of the arrival of said mail, a public network, connected to said mail delivery device, for relaying said mail arrival notice, and terminals, connected to said public network, for receiving said mail arrival notice, and recites:

... said mail arrival noticer, when the mail receiver receives a second mail for the same transmission destination as the transmission destination of first mail received previously on condition that a mail arrival notice for the first mail has failed and retransmission of the mail arrival notice therefore has not been performed, temporarily stops transmission of a retransmission request for said first mail and formerly performs transmission of a mail arrival notice for said second mail ...

(emphasis added). That is, when: (1) the mail arrival noticer receives second mail for the same transmission destination as the transmission destination of the first mail; (2) a mail arrival notice for the first mail has failed; and (3) retransmission of the mail arrival notice therefore has not been performed, the mail arrival noticer acts to temporarily stop transmission of a retransmission request for the first mail.

Hammond Reference

In the Office Action, at page 4, the Examiner contends that Hammond discloses:

... said mail arrival noticer, when receiving second mail for the same transmission destination as the transmission destination of first mail received previously by said mail receiver, temporarily stops transmission of a retransmission request for said first mail and formerly performs transmission of a mail arrival notice for said second mail (See fig. 2. If a second mail is received within the Resend Time Period for a first mail, the Message Review Server will not send a retransmission arrival notice of a first mail).

Applicants respectfully submit that the Examiner's contention is incorrect. Hammond in FIG. 2 shows four messages by way of example. Only Messages 1 and 4 were sent to the same destination. These messages 1 and 4 are the only messages that could correspond to the first and second mail recited in claim 8. This is because, messages 1 and 4 are the only messages with the same destination (i.e., with Recipient ID ABC). Messages 1 and 4, however, were sent on 07/26/XX and 8/10/XX, respectively (see column 3 of FIG. 2). Further, message 1 had a resend period of 1 hour (see column 6 of FIG. 2) and did not have any associated resend record (see column 9 of FIG. 2). Thus, contrary to the Examiner's contention, message 4 of Hammond was not sent within the Resend Time Period of message 1. Moreover, Hammond is silent regarding the stopping of transmission of a retransmission request for said first mail and formerly performing transmission of a mail arrival notice for said second mail based on the conditions: (1) the mail receiver receives a second mail for the same transmission destination as the transmission destination of first mail received previously; (2) a mail arrival notice for the first mail has failed; and (3) retransmission of the mail arrival notice therefore has not been performed. This is because, for example, Hammond does not disclose the stopping of the retransmission request based on another mail message to

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the same destination (i.e., the message 4 is not used in Hammond to stop any retransmission request related to message 1.) This is reinforced by the difference in the send date (07/26) associated with message 1 and the send date (08/10) associated with message 4.

Yasutaka Reference

In the Office Action, at page 5, the Examiner contends that:

Yasutaka discloses said mail arrival noticer, when the mail arrival notice for said second mail formerly performed after temporarily stopping transmission of said retransmission request fails, cancels the stopping of transmission of said retransmission request for said first mail and performs retransmission of a mail arrival notice for said first mail ([0009], *where the mail arrival stops processing the second message (resend message) and gives priority to transmission of the first message*),

(italics in original).

Applicants respectfully submit that the Examiner's contention is incorrect. Yasutaka, at the cited portion, discloses the process of mail arrival notice in which a informative message (corresponding to "mail arrival notice" recited in claim 8) is transmitted to a first highest priority message receiver machine. When the processing which transmits the mail informative message of Yasutaka to the first message receiver machine is not completed normally, the first message receiver machine performs resend processing (corresponding to "retransmission of mail arrival notice" recited in claim 8). When this resend processing is not completed normally, the message retransmission control means addresses the mail informative message to a message receiver machine of the second highest priority (another message receiver machine). That is, Yasutaka discloses that the first and second messages are not sent to the same destinations. Moreover, the cited portion of Yasutaka is silent regarding temporarily stopping of a retransmission request or the cancelling of such a stopping of transmission of a retransmission request based on the second message. This is because, the second message is transmitted to a different receiver machine. Therefore, Yasutaka does not disclose the features of:

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... said mail arrival noticer, when the mail receiver receives a second mail for the same transmission destination as the transmission destination of first mail received previously on condition that a mail arrival notice for the first mail has failed and retransmission of the mail arrival notice therefore has not been performed, temporarily stops transmission of a retransmission request for said first mail and formerly performs transmission of a mail arrival notice for said second mail ...

(emphasis added) or the cancellation feature recited in claim 8.

Accordingly, claim 8 is submitted to patentably distinguish over Hammond for at least the above-mentioned reasons.

Claims 13-25 and 30

Claims 13-25 and 30, which includes all of the limitations of claim 8, are submitted to patentably distinguish over Hammond in view of Yasutaka for at least the same reasons regarding claim 8.

Rejection of Claims 26 and 27 Under 35 U.S.C. § 103(a)

In the Office Action, at item 6, claims 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond in view of Telecommunications Research Associates (a Publication entitled "Understanding the Basics of Wireless Communications").

Reconsideration is respectfully requested.

Claims 26 and 27, which includes all of the limitations of claim 8, are submitted to patentably distinguish over Hammond for at least the same reasons as those regarding claim 8.

The addition of Telecommunications Research Associates does not overcome the deficiencies of Hammond. This is because, Telecommunications Research Associates does not disclose or suggest:

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... said mail arrival noticer, when the mail receiver receives a second mail for the same transmission destination as the transmission destination of first mail received previously on condition that a mail arrival notice for the first mail has failed and retransmission of the mail arrival notice therefore has not been performed, temporarily stops transmission of a retransmission request for said first mail and formerly performs transmission of a mail arrival notice for said second mail ...

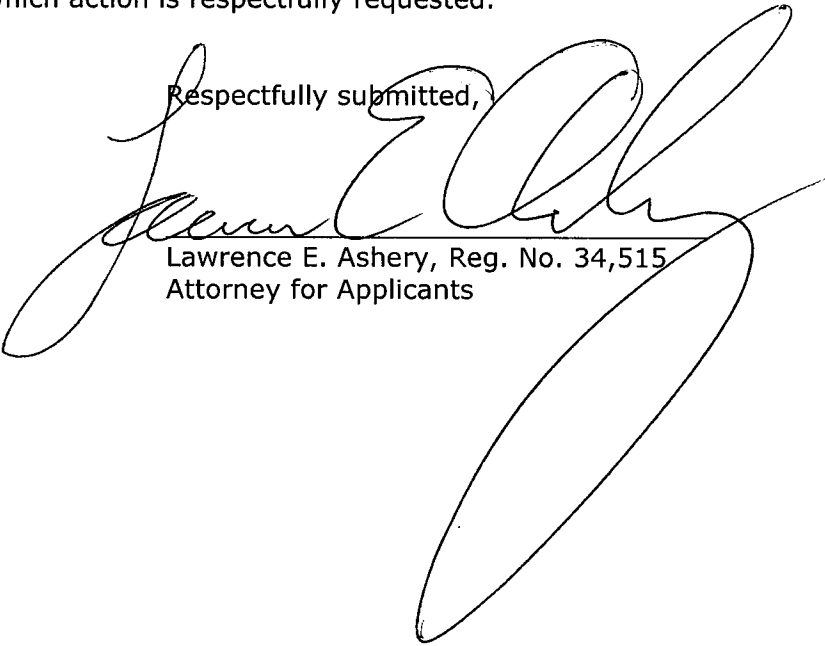
(emphasis added), as required by claim 8. This is because, Telecommunication Research Associates is silent regarding first and second mail and, furthermore, temporarily stopping of transmission of a retransmission quest for the first mail.

Accordingly, claims 26 and 27, which includes all of the limitations of claim 8, are submitted to patentably distinguish over Hammond in view of Telecommunications Research Associates for at least similar reasons as those regarding claim 8.

Conclusion

In view of the claim amendments and remarks, Applicants submit the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,


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